

POLITICAL PARTY QUALIFICATION PROCESS, REQUIREMENTS, HISTORY

The method by which political parties gain, and retain, qualified status in California is prescribed in the Elections Code in §§5000-5200.

In order to **achieve initial** qualified status, thereby allowing a political party to participate in a state-sanctioned primary election to nominate candidates for the November general election, a proposed political party must:

1. Hold a caucus or convention to elect temporary officers and designate a party name; §5001(a)
2. File a formal notice with the Secretary of State, declaring that the political body has organized, elected temporary officers, and declared an intent to qualify as a political party pursuant to Elections Code §5100. This notice must include names and addresses of the temporary officers of the political body; §5001(b)

and

3. No later than 135 days before the primary election in which they wish to participate, achieve a statewide registration with that party designated by registrants equaling at least **1% of the total votes cast at the preceding gubernatorial election; or** §5100(b)

No later than 135 days before the primary election in which they wish to participate, file with the Secretary of State a petition signed by voters equal in number to at least **10% of the total votes cast at the preceding gubernatorial election.** §5100(c)

Currently, in order to qualify by registration, a new party needs **86,212** registrants. To qualify by petition, **862,113** signatures are needed.

Once qualified, a political party maintains its qualified status by:

1. Retaining registrants representing at least 1/15 of 1% (.00067%) of the total state registration; and §5101
2. Having one of its statewide candidates (running for Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Insurance Commissioner or United States Senator) receive at least 2% of the state vote **cast for that office** in the preceding gubernatorial election; **or**, §5100(a)
3. Retaining statewide registration equaling at least 1% of the total votes cast at the preceding gubernatorial election. §5100(b)

There are currently seven qualified political parties in California. In addition to the

Democratic and Republican parties, which have participated in state primary elections since 1910, six other parties have qualified since 1967. In 1968, both the American Independent Party and the Peace and Freedom Party qualified by the voter registration method; however, in 1998, the Peace and Freedom Party failed to meet the requirement that one of its candidates receive 2% of the vote and so has lost its qualified status. The Libertarian Party achieved the requisite number of registrants in 1980; the Green Party reached the required number in 1992; and the two most recent parties to achieve recognized political status in California were the Natural Law and the Reform parties, garnering the requisite number of registered voters in 1996.

Since the statewide party nomination process began in 1910, eighteen parties have qualified to participate in primary elections, including:

* Democratic 1910-present	Commonwealth 1934-1938
* Republican 1910-present	Communist 1934-March 1944
* Independence League 1910	Progressive 1934-1938
* Prohibition 1910-1962	Townsend 1938-1942
* Socialist 1910-1938	Independent Progressive 1948-1954
Progressive ("Bull Moose")	American Independent 1968-present
1912-1918	Peace and Freedom 1968-1998
Liberty 1932-1934	Libertarian 1980-present
	Green 1992 - present
	Natural Law 1996 - present
	Reform 1996 - present

Prior to 1910, many parties either conducted conventions or held primary elections to select their candidates for the statewide general election.

* The five parties whose names are preceded by an asterisk were active before 1910.

CANDIDATE QUALIFICATIONS AND INFORMATION OFFICES TO BE VOTED ON AT THE MARCH 5, 2002 DIRECT PRIMARY ELECTION

Partisan Offices

<u>Office</u>	<u>Term of Office</u>	<u>Term Begins</u>	<u>Number of Districts</u>	<u>Qualifications</u>
Governor Lieutenant Governor	4 yrs.	Jan. 6, 2003	N/A	Citizen of the United States, resident of California, registered voter, and otherwise qualified to vote for that office. ¹ The Governor may not hold another office. May not serve in the same office for more than two terms. ²
Secretary of State Controller Treasurer	4 yrs.	Jan. 6, 2003	N/A	Citizen of the United States, resident of California, registered voter, and otherwise qualified to vote for that office. May not serve in the same office for more than two terms. ²
Attorney General	4 yrs.	Jan. 6, 2003	N/A	Same as for the Secretary of State. Additionally, the Attorney General shall have been admitted to practice before the Supreme Court of California for at least five years immediately preceding the election. May not serve in the same office for more than two terms. ²
Insurance Commissioner	4 yrs.	Jan. 6, 2003	N/A	Citizen of the United States, resident of California, and a registered voter. During tenure of office, may not be an officer, agent, or employee of an insurer or directly or indirectly interested in any insurer or licensee under the California Insurance Code, except (a) as a policyholder, or, (b) by virtue of relationship by blood or marriage to any person interested in any insurer or licensee. May not serve in the same office for more than two terms ² .

¹§201; Article V, Section 2, of the California Constitution requires California residency for five years. However, it is the legal opinion of our office that this provision violates the U.S. Constitution.

² Cal. Const. Art. V, §11

CANDIDATE QUALIFICATIONS AND INFORMATION OFFICES TO BE VOTED ON AT THE MARCH 5, 2002 DIRECT PRIMARY ELECTION

Partisan Offices (cont.)

United States Representative in Congress	2 yrs.	Jan. 3, 2003 (12:00 noon)	53	At least 25 years of age, citizen of the United States for at least seven years, inhabitant of the state when elected.
State Senator	4 yrs.	Dec. 2, 2002	20 (even - numbered)	Citizen of the United States, registered voter in the district at the time nomination papers are issued. ¹ May not have served two terms in the State Senate. ²
Member of the Assembly	2 yrs.	Dec. 2, 2002	80	Citizen of the United States, registered voter in the district at the time nomination papers are issued. ¹ May not have served three terms in the State Assembly. ²

Nonpartisan Office

<u>Office</u>	<u>Term of Office</u>	<u>Term Begins</u>	<u>Number of Districts</u>	<u>Qualifications</u>
Superintendent of Public Instruction	4 yrs.	Jan. 6, 2003	N/A	Citizen of the United States, resident of California, registered voter at the time nomination papers are issued. May not serve more than two terms. ²

¹ §201; Article IV, Section 2(c), of the California Constitution requires one year residency in the legislative district and California residency for three years. However, it is the legal opinion of our office that these provisions violate the U.S. Constitution.

² Cal. Const. Art. V, §11